



6,782,642.

Cofc

PATENT
Attorney Docket No.: ADI-075
(257/41)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Knoche et al. CONF. NO.: 4668
SERIAL NO.: 09/920,439 GROUP NO.: 3728
FILING DATE: August 1, 2001 EXAMINER: M.D. Patterson
TITLE: Light Running Shoe

CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence, and any documents referred to as enclosed herein, are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 12th day of January, 2005.


Elizabeth Pitula

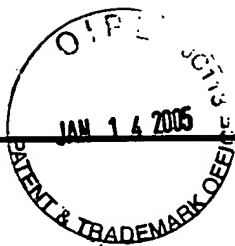
Certificate of Corrections Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Certificate
JAN 25 2005
of Correction

Sir:

Submitted herewith are:

- 1) Transmittal Form (1 pg.);
- 2) Fee Transmittal (1 pg.);
- 3) Check in the amount of \$100.00;
- 4) Request for Certificate of Correction with Supporting Exhibits (26 pgs.);
- 5) Certificate of Correction (in duplicate)(2 pgs. total); and
- 6) Return Receipt Postcard.



TRANSMITTAL FORM

Application Serial Number	09/920,439
Filing Date	August 1, 2001
First Named Inventor	Knoche
Group Art Unit	3728
Examiner Name	M.D. Patterson
Attorney Docket No.	ADI-075
Patent No.	6,782,642
Issue Date	August 31, 2004

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Check Attached <input type="checkbox"/> Copy of Fee Transmittal Form	<input type="checkbox"/> Copy of Notice to File Missing Parts of Application	<input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences
<input type="checkbox"/> Amendment/Response <input type="checkbox"/> Preliminary <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets ____]	<input type="checkbox"/> Formal Drawing(s)	<input type="checkbox"/> Appeal Brief (in triplicate)
<input type="checkbox"/> Petition for Extension of Time	<input type="checkbox"/> Request For Continued Examination (RCE) Transmittal	<input type="checkbox"/> Status Inquiry
<input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Form PTO- 1449 <input type="checkbox"/> Copies of IDS Citations	<input type="checkbox"/> Power of Attorney (Revocation of Prior Powers)	<input checked="" type="checkbox"/> Return Receipt Postcard
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8
<input type="checkbox"/> Sequence Listing submission <input type="checkbox"/> Paper Copy/CD <input type="checkbox"/> Computer Readable Copy <input type="checkbox"/> Statement verifying identity of above	<input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application	<input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8
	<input type="checkbox"/> Small Entity Statement	<input type="checkbox"/> Additional Enclosure(s) (please identify below)
	<input type="checkbox"/> CD(s) for large table or computer program	
	<input type="checkbox"/> Amendment After Allowance	
	<input checked="" type="checkbox"/> Request for Certificate of Correction <input checked="" type="checkbox"/> Certificate of Correction (in duplicate)	

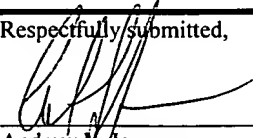
CORRESPONDENCE ADDRESS

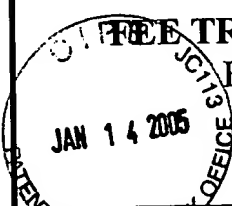
Direct all correspondence to: Patent Administrator
Testa, Hurwitz & Thibault, LLP
125 High Street
Boston, MA 02110
Tel. No.: (617) 248-7000
Fax No.: (617) 248-7100

SIGNATURE BLOCK

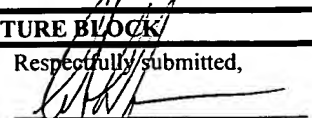
Date: January 12, 2005
Reg. No.: 51,842
Tel. No.: (617) 310-8671
Fax No.: (617) 248-7100

Respectfully submitted,


Andrew E. Jagenow
Attorney for the Applicants
Testa, Hurwitz & Thibault, LLP
125 High Street
Boston, MA 02110

 <p>FREE TRANSMITTAL FY 2005</p>	Complete if Known	
	Application Serial Number	09/920,439
	Filing Date	August 1, 2001
	First Named Inventor	Knoche
	Group Art Unit	3728
	Examiner Name	M.D. Patterson
	Attorney Docket No.	ADI-075

METHOD OF PAYMENT	FEE CALCULATION (continued)																																																																																																								
<p>1. <input checked="" type="checkbox"/> Payment Enclosed: <input checked="" type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Other</p> <p>2. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to credit or charge any fee indicated below for this submission to Deposit Account No. 20-0531. <input type="checkbox"/> Required Fees (copy of this sheet enclosed). <input checked="" type="checkbox"/> Additional fee required under 37 CFR 1.16 and 1.17. <input checked="" type="checkbox"/> Overpayment Credit.</p> <p>3. <input type="checkbox"/> Applicant claims small entity status.</p>	<p>3. ADDITIONAL FEES</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">Large Entity Fee (\$)</th> <th style="width: 15%;">Small Entity Fee (\$)</th> <th style="width: 45%;">Fee Description</th> <th style="width: 25%;">Fee Paid</th> </tr> </thead> <tbody> <tr><td>130</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>50</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>130</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>2,520</td><td>2,520</td><td>Request for ex parte reexamination</td><td></td></tr> <tr><td>120</td><td>60</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>450</td><td>225</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1020</td><td>510</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>1590</td><td>795</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>2160</td><td>1080</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>500</td><td>250</td><td>Notice of Appeal</td><td></td></tr> <tr><td>500</td><td>250</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1000</td><td>500</td><td>Request for oral hearing</td><td></td></tr> <tr><td>400</td><td>400</td><td>Petitions to the Commissioner (Gp. I)</td><td></td></tr> <tr><td>200</td><td>200</td><td>Petitions to the Commissioner (Gp. II)</td><td></td></tr> <tr><td>130</td><td>130</td><td>Petitions to the Commissioner (Gp. III)</td><td></td></tr> <tr><td>180</td><td>180</td><td>Submission of Information Disclosure Statement</td><td></td></tr> <tr><td>790</td><td>395</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td>790</td><td>395</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr> <tr><td>100</td><td>100</td><td>Certificate of Correction for applicant's error</td><td>100.00</td></tr> <tr><td>130</td><td>65</td><td>Submission of Terminal Disclaimer</td><td></td></tr> <tr><td colspan="2">Other fee (Specify)</td><td></td><td></td></tr> <tr><td colspan="2">Other fee (Specify)</td><td></td><td></td></tr> </tbody> </table>	Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid	130	65	Surcharge - late filing fee or oath		50	25	Surcharge - late provisional filing fee or cover sheet		130	130	Non-English specification		2,520	2,520	Request for ex parte reexamination		120	60	Extension for reply within first month		450	225	Extension for reply within second month		1020	510	Extension for reply within third month		1590	795	Extension for reply within fourth month		2160	1080	Extension for reply within fifth month		500	250	Notice of Appeal		500	250	Filing a brief in support of an appeal		1000	500	Request for oral hearing		400	400	Petitions to the Commissioner (Gp. I)		200	200	Petitions to the Commissioner (Gp. II)		130	130	Petitions to the Commissioner (Gp. III)		180	180	Submission of Information Disclosure Statement		790	395	Filing a submission after final rejection (37 CFR 1.129(a))		790	395	For each additional invention to be examined (37 CFR 1.129(b))		100	100	Certificate of Correction for applicant's error	100.00	130	65	Submission of Terminal Disclaimer		Other fee (Specify)				Other fee (Specify)															
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CORRESPONDENCE ADDRESS	SIGNATURE BLOCK
<p>Direct all correspondence to:</p> <p style="text-align: center;">Patent Administrator Testa, Hurwitz & Thibault, LLP 125 High Street Boston, MA 02110 Tel. No.: (617) 248-7000 Fax No.: (617) 248-7100</p>	<p style="text-align: center;">Respectfully submitted,</p> <p style="text-align: center;"> Andrew L. Jagenow Attorney for the Applicants Testa, Hurwitz & Thibault, LLP 125 High Street Boston, MA 02110</p> <p>Date: January 12, 2005 Reg. No.: 51,842 Tel. No.: (617) 310-8671 Fax No.: (617) 248-7100</p>



PATENT
Atty. Docket No: ADI-075
(257/41)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR(S): Knoche et al.
PATENT NUMBER: 6,782,642 *B2*
ISSUE DATE: August 31, 2004 ASSIGNEE: adidas International
Marketing B.V.
TITLE: Light Running Shoe

**REQUEST FOR CERTIFICATE OF CORRECTION UNDER
35 U.S.C. §§ 254 and 255 and 37 C.F.R. §§ 1.322 and 1.323**

Certificate of Corrections Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The Assignee of record of the above-referenced patent, adidas International Marketing B.V., hereby requests that a Certificate of Correction be issued for U.S. Patent No. 6,782,642 under 35 U.S.C. §§ 254 and 255 and 37 C.F.R. §§ 1.322 and 1.323. Errors are present in the following sections of the issued patent: Assignee Information, Foreign Application Priority Data, Other Publications, and Claims. The Assignee believes that these errors warrant issuance of a Certificate of Correction.

On the cover page, in the Assignee data, "adidas International" should be deleted and replaced with --adidas International Marketing B.V.--. A minor typographical error was made on the Assignment document and, correspondingly, on the Issue Fee Transmittal. To the knowledge of the Assignee, the listed company names "adidas International B.B." and "adidas International" are improper. Copies of the Assignment document and the Issue Fee Transmittal are included as Exhibits A and B, with the relevant portions highlighted. Accordingly, Assignee respectfully requests correction pursuant to 35 U.S.C. § 255 and 37 C.F.R. § 1.323.

On the cover page, in the Foreign Application Priority Data, "100 37 728" should be deleted and replaced with --100 37 728.9--. A copy of the Updated Filing Receipt, dated December 18, 2001, is attached as Exhibit C. The correct priority document data has been highlighted. Accordingly, Assignee respectfully requests correction pursuant to 35 U.S.C. § 254 and 37 C.F.R. § 1.322.

On the cover page, in the Other Publications section, the word "ASIC@" should be deleted and replaced with the word --ASICS@--. Also, on the cover page, in the Other Publications section, the word

"show" should be deleted and replaced with the word --shoe--. The first error is due to an Applicant mistake, the second is due to a Patent Office mistake. A copy of the initialed Form PTO - 1449 is attached as Exhibit D, with the relevant portions highlighted. Accordingly, Assignee respectfully requests correction pursuant to 35 U.S.C. §§ 254 and 255 and 37 C.F.R. §§ 1.322 and 1.323.

In claim 2, at line 1, the word "seond" should be deleted and replaced with the word --second--. A copy of the Amendment and Response dated April 4, 2004 is attached as Exhibit E. The correct claim language has been highlighted. Accordingly, Assignee respectfully requests correction pursuant to 35 U.S.C. § 254 and 37 C.F.R. § 1.322.

A computer-generated copy of PTO Form 1050 is enclosed and corrects the errors appearing in the above-referenced Letters Patent.

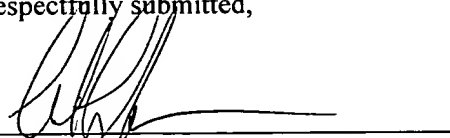
Assignee believes that the errors detailed above represent Patent Office and Applicant mistakes correctable pursuant to 35 U.S.C. §§ 254 and 255 and 37 C.F.R. §§ 1.322 and 1.323. Accordingly, Assignee urges the Commissioner to issue a Certificate of Correction for U.S. Patent No. 6,782,642 reflecting the corrections as they appear on the enclosed PTO Form 1050.

Assignee has submitted a fee for the instant Request for Certificate of Correction, as certain of the errors are due to Applicant mistakes. Please charge any additional fees to deposit account number 20-0531.

The PTO Form 1050 is submitted in duplicate.

The Patent Office is invited to call the undersigned representative with any questions concerning the submission.

Respectfully submitted,



Andrew L. Jagenow
Attorney for Applicants
Testa, Hurwitz & Thibault, LLP
125 High Street
Boston, Massachusetts 02110

Date: January 12, 2005
Reg. No.: 51,842

Tel. No.: (617) 310-8671
Fax No.: (617) 248-7100

Exhibit A

COPY

Attorney Docket No. ADI-075

ASSIGNMENT

WHEREAS, We, Bernhard Knoche, Klaus Knoerr and Gerald Kuhtz have invented one or more improvements in:

Light Running Shoe

described in an application (or provisional application) for Letters Patent of the United States:

☒ identified by Attorney Docket No. ADI-075, and/or executed by us of even date herewith and about to be filed in the United States Patent Office;

☒ Serial No. 09/920,439 filed in the United States Patent Office on August 1, 2001; and

WHEREAS, adidas International B.B. (hereinafter "ASSIGNEE"), a corporation organized and existing under the laws of The Netherlands, and having a usual place of business at Koningin Wilhelminaplein 30, 1062 KR, Amsterdam, The Netherlands desires to acquire an interest therein, in accordance with agreements duly entered into with us;

NOW, THEREFORE, to all whom it may concern be it known that for and in consideration of said agreements and of other good and valuable consideration, the receipt of which is hereby acknowledged, we have sold, assigned and transferred and by these presents do hereby sell, assign and transfer unto said ASSIGNEE, its successors, assigns, and legal representatives, our entire right, title and interest in and throughout the United States of America, its territories and all foreign countries, in and to the inventions described in said application, together with our entire right, title and interest in and to said application and such Letters Patent as may issue thereon or claim priority under international convention, including but not limited to continuations, divisionals, reissues, and reexaminations of said application or such Letters Patent; said inventions, applications and Letters Patent to be held and enjoyed by said ASSIGNEE for its own use and behalf and for its successors, assigns and legal representatives, to the full end of the term for which said Letters Patent may be granted as fully and entirely as the same would have been held by us had this assignment and sale not been made; we hereby convey all of our rights arising under or pursuant to any and all international agreements, treaties or laws relating to the protection of industrial property by filing any such applications for Letters Patent. We hereby acknowledge that this assignment, being of our entire right, title and interest in and to said inventions, carries with it the right in ASSIGNEE to apply for and obtain from competent authorities in all countries of the world any and all Letters Patent by attorneys and agents of ASSIGNEE's selection and the right to procure the grant of all Letters Patent to ASSIGNEE for its own name as assignee of our entire right, title and interest therein.

AND, we hereby further agree for ourselves and our executors and administrators to execute upon request any other lawful documents and likewise to perform any other lawful acts which may be deemed necessary to secure fully the aforesaid invention to said ASSIGNEE, its successors, assigns, and legal representatives, but at its or their expense and charges, including: the execution of applications for patents in foreign countries; the execution of substitution, reissue, divisional or continuation applications; and preliminary or other statements or the giving of testimony in any interference or other proceeding in which said inventions or any application or patent directed thereto may be involved; and we further hereby authorize ASSIGNEE or its attorneys or agents to insert the correct serial number and filing date into this assignment, if none is indicated on that date of our execution of this assignment;

AND, we do hereby authorize and request the Commissioner of Patents of the United States to issue such Letters Patent as shall be granted upon said application or applications based thereon to said ASSIGNEE, its successors, assigns, and legal representatives.

IN TESTIMONY WHEREOF, we have hereunto set our hands and affixed our seals the date set forth below.

Inventor: 
Bernhard Knoche

Subscribed and sworn to before me, by the above-named Bernhard Knoche this 19 day of September, 2001.


Witness

Inventor: _____
Klaus Knoerr

Subscribed and sworn to before me, by the above-named Klaus Knoerr this _____ day of _____, 2001.

Witness

Inventor: _____
Gerald Kuhtz

Subscribed and sworn to before me, by the above-named Gerald Kuhtz this _____ day of _____, 2001.

Witness

AND, we do hereby authorize and request the Commissioner of Patents of the United States to issue such Letters Patent as shall be granted upon said application or applications based thereon to said ASSIGNEE, its successors, assigns, and legal representatives.

IN TESTIMONY WHEREOF, we have hereunto set our hands and affixed our seals the date set forth below.

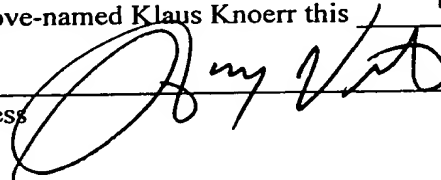
Inventor: _____
Bernhard Knoche

Subscribed and sworn to before me, by the above-named Bernhard Knoche this _____ day of _____, 2001.

Witness

Inventor: 
Klaus Knoerr

Subscribed and sworn to before me, by the above-named Klaus Knoerr this 14th day of September, 2001.

Witness 

Inventor: _____
Gerald Kuhtz

Subscribed and sworn to before me, by the above-named Gerald Kuhtz this _____ day of _____, 2001.

Witness

AND, we do hereby authorize and request the Commissioner of Patents of the United States to issue such Letters Patent as shall be granted upon said application or applications based thereon to said ASSIGNEE, its successors, assigns, and legal representatives.

IN TESTIMONY WHEREOF, we have hereunto set our hands and affixed our seals the date set forth below.

Inventor: _____
Bernhard Knoche

Subscribed and sworn to before me, by the above-named Bernhard Knoche this _____ day of _____, 2001.

Witness

Inventor: _____
Klaus Knoerr

Subscribed and sworn to before me, by the above-named Klaus Knoerr this _____ day of _____, 2001.

Witness

Inventor: _____
Gerald Kuhtz

Subscribed and sworn to before me, by the above-named Gerald Kuhtz this 12 day of SEPTEMBER, 2001.

Andreas Schmitz
Witness

Exhibit B

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail**Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
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or Fax (703) 746-4000

COPY

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

021323

7590

05/12/2004

TESTA, HURWITZ & THIBEAULT, LLP
HIGH STREET TOWER
125 HIGH STREET
BOSTON, MA 02110

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO, on the date indicated below.

Andrew J. Jagenow (Depositor's name)
(Signature)
May 25, 2004 (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,439	08/01/2001	Bernhard Knoche	ADI-075	4668

TITLE OF INVENTION: LIGHT RUNNING SHOE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1330	\$300	\$1630	08/12/2004

EXAMINER	ART UNIT	CLASS-SUBCLASS
PATTERSON, MARIE D	3728	036-129000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

Testa, Hurwitz &

X Thibault, LLP

X

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

adidas International

Amsterdam, The Netherlands

Please check the appropriate assignee category or categories (will not be printed on the patent); ☐ individual ☒ corporation or other private group entity ☐ government

4a. The following fee(s) are enclosed:

☒ Issue Fee☒ Publication Fee☐ Advance Order - # of Copies _____

4b. Payment of Fee(s):

☒ A check in the amount of the fee(s) is enclosed.☐ Payment by credit card. Form PTO-2038 is attached.☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

Director for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)

(Date) Reg # 35370

Christopher W. James 25 May 2004

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.

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TRANSMIT THIS FORM WITH FEE(S)

26 JAN 2005

Exhibit C

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/920,439	08/01/2001	3728	1242	ADI-075	8	36	4

CONFIRMATION NO. 4668

UPDATED FILING RECEIPT



OC00000007207491

021323
TESTA, HURWITZ & THIBEAULT, LLP
HIGH STREET TOWER
125 HIGH STREET
BOSTON, MA 02110

Date Mailed: 12/18/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Bernhard Knoche, Nuernberg, GERMANY;
Klaus Knoerr, Langensendelbach, GERMANY;
Gerald Kultz, Nuremberg, GERMANY;

No Docketing Necessary

K/A 1-3-02
Administrator Date

Domestic Priority data as claimed by applicant

Foreign Applications

GERMANY DE 10037728.9 08/02/2000

Reviewed & Approved

DLH 1/10/02
Resp. Acty Date

If Required, Foreign Filing License Granted 09/12/2001

Projected Publication Date: 03/28/2002

Non-Publication Request: No

Early Publication Request: No

RECEIVED

Title

Light running shoe

FEB 21 2001

Preliminary Class

036

1P

Exhibit D

COPY

SHEET 1 OF 1

FORM PTO - 1449				ATTORNEY DOCKET NO.: ADI-075					
SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT				APPLICANTS: Knoche <i>et al.</i>					
				SERIAL NO.: 09/920,439					
				FILING DATE: August 1, 2001 GROUP: 3728					
U.S. PATENT DOCUMENTS									
EXAM. INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE		
FOREIGN PATENT DOCUMENTS									
EXAM. INIT.		DOCUMENT NUMBER	DATE	COUNTRY CODE	CLASS	SUB CLASS	FILING DATE	ABSTRACT ONLY	ENGLISH LANG (Y/N)
OTHER ART, JOURNAL ARTICLES, ETC.									
EXAM. INIT.	OTHER DOCUMENTS: (Including Author, Title, Date, Relevant Pages, Place of Publication)								
MS	CA	Photograph of ASIC [®] shoe with a thermoplastic urethane grid affixed with glue to a conventional outsole in a rear foot portion of the shoe							
EXAMINER <i>MS Patterson</i>					DATE CONSIDERED <i>1/21/03</i>				

2220937

Exhibit E

COPY

PATENT
Atty. Docket No. ADI-075
(257/41)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Knoche et al. CONFIRMATION NO.: 4668
SERIAL NUMBER: 09/920,439 ART UNIT: 3728
FILING DATE: August 1, 2001 EXAMINER: M. D. Patterson
TITLE: Light Running Shoe

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE

This paper is submitted in response to the pending non-final Office action, Paper No. 16, mailed from the U.S. Patent and Trademark Office on December 18, 2003.

Applicants respectfully request entry of the following amendments, reconsideration and withdrawal of all grounds of rejection, and passage of the claims to allowance.

Please amend the above-identified application, without prejudice, as follows:

- Amendments to the Claims are reflected in the Listing of Claims which begins on page 2 of this Amendment and Response.
- Remarks begin on page 5 of this Amendment and Response.

AMENDMENTS TO THE CLAIMS

This Listing of Claims will replace all prior versions, and listings, of claims in the application.

Listing of Claims:

1. (Currently amended) A sole for an article of footwear, the sole comprising:
a first sole layer having a ground engaging surface; and
a second layer having a ground engaging surface, the second layer comprising a discrete continuous mesh having a first side and a second side, the first side layer partially embedded in the sole first layer and partially the second side continuously exposed along the ground engaging surface of the first layer.
2. (Currently amended) The sole of claim 1, wherein the second mesh layer comprises a contoured surface.
3. (Currently amended) The sole of claim 1, wherein the second mesh layer comprises a knit structure formed from thread.
4. (Original) The sole of claim 3, wherein the thread comprises a plurality of spun fibers.
5. (Original) The sole of claim 1, wherein the mesh comprises a material selected from the group consisting of metals, polyesters, polyamides, aramids, and combinations thereof.
6. (Currently amended) The sole of claim 1, wherein at least a portion of the second mesh layer extends beyond a bottom surface of the sole first layer.
7. (Currently amended) The sole of claim 1, wherein the second mesh layer is substantially coterminous with a bottom surface of the sole first layer.
8. (Currently amended) The sole of claim 1, wherein the sole first layer comprises a profile groove defined by a bottom surface of the sole first layer.
9. (Currently amended) The sole of claim 1, wherein the sole first layer comprises a damping material.

10. (Original) The sole of claim 9, wherein the damping material comprises a material selected from the group consisting of ethylene vinyl acetate, polyurethane, rubber, and combinations thereof.
11. (Currently amended) An article of footwear comprising:
 an upper;
 a sole first layer attached to the upper, the sole first layer having a ground engaging surface; and
 a second layer having a ground engaging surface, the second layer comprising a discrete continuous mesh having a first side and a second side, the first side layer partially embedded in the sole first layer and partially the second side continuously exposed along the ground engaging surface of the first layer.
12. (Currently amended) The article of claim 11, wherein the second mesh layer comprises a contoured surface.
13. (Currently amended) The article of claim 11, wherein the second mesh layer comprises a knit structure formed from thread.
14. (Original) The article of claim 13, wherein the thread comprises a plurality of spun fibers.
15. (Original) The article of claim 11, wherein the mesh comprises a material selected from the group consisting of metals, polyesters, polyamides, aramids, and combinations thereof.
16. (Currently amended) The article of claim 11, wherein at least a portion of the second mesh layer extends beyond a bottom surface of the sole first layer.
17. (Currently amended) The article of claim 11, wherein the second mesh layer is substantially coterminous with a bottom surface of the sole first layer.
18. (Currently amended) The article of claim 11, wherein the sole first layer comprises a profile groove defined by a bottom surface of the sole first layer.
19. (Currently amended) The article of claim 11, wherein the sole first layer comprises a damping material.

20. (Original) The article of claim 19, wherein the damping material comprises a material selected from the group consisting of ethylene vinyl acetate, polyurethane, rubber, and combinations thereof.

21.-36. (Cancelled)

37. (Currently amended) The sole of claim 1, wherein the second mesh layer extends along substantially an entire length of a bottom surface of the sole first layer.

38. (Currently amended) The article of claim 11, wherein the second mesh layer extends along substantially an entire length of a bottom surface of the sole first layer.

39. (Currently amended) The sole of claim 1, wherein the second mesh layer extends along a front surface of the sole first layer.

40. (Currently amended) The sole of claim 1, wherein the second mesh layer extends along a side surface of the sole first layer.

41. (Currently amended) The article of claim 11, wherein the second mesh layer extends along a front surface of the sole first layer.

42. (Currently amended) The article of claim 11, wherein the second mesh layer extends along a side surface of the sole first layer.

43. (New) The sole of claim 1, wherein the continuous mesh is substantially planar.

44. (New) The article of claim 11, wherein the continuous mesh is substantially planar.

REMARKS

Before entry of this Amendment and Response, the status of the application according to the pending Office action is as follows:

- Claims 1-2, 6-7, 9-12, 16-17, and 37-42 are rejected under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 2,333,303 to Enos ("Enos").
- Claims 3-4 and 13-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Enos.
- Claims 1-2, 5, 7-12, 15, 17-20, and 37-42 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,237,758 to Zachman ("Zachman") in view of U.S. Patent No. 2,557,946 to Crooker ("Crooker").

Applicants appreciate the Examiner's courtesy in granting Applicants' representatives the personal interview held on March 30, 2004. The amendments and remarks set forth herein are consistent with those discussed during the interview. In view of that interview, Applicants hereby amend claims 1 and 11 to more clearly describe the subject matter that Applicants regard as the invention. No new matter is added thereby. Applicants hereby amend claims 2, 3, 6-9, 12, 13, 16-19, and 37-42 to incorporate claim language used in amended independent claims 1 and 11. No new matter is entered thereby. Support for the amendments can be found at least in paragraphs [0014], [0015], [0023], and FIGS. 1C, 2B, and 3B.

Applicants hereby present new claims 43 and 44 for consideration. No new matter has been entered thereby. Support for these claims can be found at least in FIGS. 7 and 8.

1. Claims 1-2, 6-7, 9-12, 16-17, and 37-42 are rejected under 35 U.S.C. § 102(b) as being unpatentable over Enos. Applicants respectfully traverse this rejection as applied to the claims, as amended.

Enos appears to describe a sole that is produced by partially impregnating a fabric, which may be a woven fibrous structure, with a rubber or equivalent composition. The portion 14 of the fabric not impregnated “impart[s] the desired anti-slipping characteristics to the sole while the impregnation with rubber and the like affords the desired protection against moisture.” Enos, pg. 2, col. 1, ll. 45-49. The total amount of impregnation of rubber or equivalent composition may “vary between the limits of 10% to 90%.” Enos, pg. 2, col. 1, ll. 8-9. The amount of “impregnation [is] controlled so as to leave a substantial portion of the nap or pile in its original unimpregnated condition.” Enos, pg. 2, col. 1, ll. 16-18. In other words, Enos appears to describe a fabric layer that is not completely impregnated with rubber or like compositions. As a result of that incomplete impregnation, only the unimpregnated portion 14 of fabric layer is exposed to the ground. Indeed, such an arrangement is shown in Enos, FIG. 3.

In contrast, Applicants claim, in amended claim 1, “a first layer having a ground engaging surface; and a second layer having a ground engaging surface, the second layer comprising a continuous mesh having a first side and a second side, the first side embedded in the first layer and the second side continuously exposed along the ground engaging surface of the first layer.” Similar language is recited in Applicants’ amended claim 11.

Applicants respectfully submit that Enos fails to anticipate Applicants’ amended claims 1 and 11, because Enos fails to describe, at least, “a first layer having a ground engaging surface; *and* a second layer having a ground engaging surface.” As described above, Enos expressly

states that the total impregnation with rubber or like compositions is, at most, 90% of the fiber thickness. Accordingly, the non-impregnated surface portion 14 is the only portion of the foundation 10 that contacts the ground. Indeed, according to Enos, the unimpregnated fabric layer 14, “impart[s] the desired anti-slipping characteristics to the sole.” Enos, pg. 2, col. 1, ll. 45-47. Thus, the rubber impregnated surface portion 12 of Enos could not “hav[e] a ground engaging surface.” Enos, therefore, has solely a single layer with a ground engaging surface and not first and second ground engaging surface layers, as claimed.

Accordingly, Applicants respectfully submit that amended independent claims 1 and 11 are patentable over Enos under 35 U.S.C. § 102(b). Because claims 2, 6-7, 9-10, 12, 16-17, and 37-44 depend, either directly or indirectly, from amended claims 1 or 11, Applicants respectfully submit that those claims are patentable as well. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-2, 6-7, 9-12, 16-17, and 37-42 under 35 U.S.C. § 102(b), and allowance of claims 43 and 44.

2. Claims 3-4 and 13-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Enos. Applicants respectfully traverse this rejection as applied to the claims, as amended.

As indicated above, Enos fails to anticipate every element of amended claims 1 and 11, from which claims 3-4 and 13-14 depend, respectively. Specifically, at a minimum, Enos does not describe “a first layer having a ground engaging surface; **and** a second layer having a ground engaging surface.” Enos’ failure to describe the claimed structure is not overcome by what was known in the art at the time of Applicants’ invention regarding materials of construction. Thus, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 3-4, and 13-14 under 35 U.S.C. § 103(a).

3. Claims 1-2, 5, 7-12, 15, 17-20, and 37-42 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Zachman in view of Crooker. Applicants respectfully traverse this rejection as applied to the claims, as amended.

Briefly, Zachman appears to describe a safety shoe sole construction 10. Zachman, col. 3, ll. 23-27. The safety shoe sole construction 10 includes a flexible shoe sole 12 and a shoe upper 11 that is mounted on the shoe sole 12 and that extends upwardly therefrom. Zachman, col. 3, ll. 28-31. At least one metallic fabric mesh web 15 is fully embedded between the top and bottom surfaces and the outer periphery 14 of the shoe sole 12. Zachman, col. 3, ll. 34-37. The metallic fabric mesh web 15 purportedly prevents inadvertent and accidental piercing of the shoe sole 12 by various foreign objects, such as nails, spikes, and the like. Zachman, col. 3, ll. 38-40.

Crooker appears to describe a non-skid rubber sole construction. The sole 10 includes, on its outer surface, transverse ribs 12 spaced apart by transverse grooves 13. Crooker, col. 2, ll. 18-21. Each rib 12 has a rounded outer surface contour 14, and extending longitudinally within each is a helical coil 15. Crooker, col. 2, ll. 22-25. The coil 15 is positioned within the rib 12 so that a side portion of the coil 15 is substantially flush with the outer rounded surface 14 of the rib 12. Crooker, col. 2, ll. 28-31. Purportedly, when a shoe employing such a sole 10 is donned, over time the outer portions 14 of the ribs 12 wear away. Crooker, col. 2, ll. 44-46. This wear exposes the outer portions of the coils 15 and thereby provides a plurality of road gripping elements exposed along the wearing surfaces of the ribs 12. Crooker, col. 2, ll. 47-50. With continued use, exposed portions of the coils ultimately wear to expose four wire ends in place of each of the worn away elements. Crooker, col. 2, l. 51 – col. 3, l. 1.

As an initial matter, Applicants respectfully assert that the proposed combination of Crooker with Zachman would render Zachman unsatisfactory for its intended purpose. As described above, Zachman describes a safety shoe comprising at least one metallic fabric mesh web 15. This web construction is designed to “prevent[] inadvertent and accidental piercing of the shoe sole by . . . nails, spikes, and the like.” Zachman, col. 3, ll. 37-38. Thus, it appears that integrity of the mesh is critical to prevent any accidental piercing of the sole. In contrast, Crooker describes a sole embedded with wire coils to provide grip to the wearer while walking on icy or other slippery surfaces. The sole of Crooker is specifically designed to wear quickly, thus exposing the wire coils embedded within. Crooker, col. 2, ll. 47-50. Over time, the wires themselves wear away to leave end pieces that provide a better grip on slippery surfaces. Crooker, col. 2, l. 51 – col. 3, l. 1. In other words, the coils of Crooker are specifically designed to break down during use. Such a coil design employed in the Zachman reference would render the protective qualities of Zachman ineffective by deliberately compromising the integrity of the protective mesh layer. Such a compromise would render Zachman unfit for its intended purpose, and thus, the combination is an improper one, as there is no motivation to combine the two references. See In re Gordon, 221 U.S.P.Q. 1125 (Fed. Cir. 1984).

Moreover, even if the Zachman and Crooker references were combinable, the proposed combination still fails to render obvious Applicants’ amended claims 1 and 11. As described above, Zachman appears to disclose a metallic fabric mesh web 15 that is fully embedded between the top and bottom surfaces and the outer periphery 14 of the shoe sole 12. Zachman, col. 3, ll. 34-37. Similarly, Crooker appears to disclose a coil 15 positioned within a rib 12 of a sole so that a side portion of the coil 15 is substantially flush with the outer rounded surface 14 of

the rib 12. Crooker, col. 2, ll. 28-31. According to Crooker, over time, the outer portions 14 of the ribs 12 wear away, only then exposing the coils 15 and thereby providing a plurality of road gripping elements exposed along the wearing surfaces of the ribs 12. Crooker, col. 2, ll. 44-50.

In contrast, Applicants amended claims 1 and 11 recite “a second layer having a ground engaging surface, the second layer comprising a continuous mesh having a first side and a second side, the first side embedded in the first layer and the second side continuously exposed along the ground engaging surface of the first layer.” Applicants respectfully assert that the combination of Zachman and Crooker fails to suggest, at least, “a second layer having a ground engaging surface, the second layer comprising *a continuous mesh having a first side and a second side, the first side embedded in the first layer and the second side continuously exposed* along the ground engaging surface of the first layer.”

As described, Zachman appears to disclose metal coils embedded in a shoe sole. As such, the coils are not exposed at all. Therefore, the coils of Zachman clearly lack a second side having a continuously exposed ground engaging surface. Crooker, on the other hand, appears to describe a shoe including a number of discrete, individual helical coils, one coil per rib, which are not joined or otherwise connected to each other. Therefore, the helical coils of Crooker should not be considered to be the claimed “continuous mesh.” Moreover, even if the discrete helical coils of Crooker were considered to be a “continuous mesh,” which they are not, a second side of the helical coils are not “continuously exposed along the ground engaging surface of the first layer.” As the sole of Crooker breaks down, only discrete, spaced apart points of the helical coils of Crooker are exposed, not a second side of the mesh. See Crooker, FIG. 3. With prolonged wear, the coils themselves break down, thus exposing the worn tips of the metal coils.

There is not a spatially connected, continuous mesh layer, having a second exposed ground engaging surface. Thus, the coils of Crooker lack a “*second side continuously exposed* along the ground engaging surface of the first layer;” rather, only discrete, spaced apart points of the coils are exposed.

Accordingly, Applicants respectfully submit that the combination of Zachman and Crooker fails to render obvious Applicants’ amended claims 1 and 11. Because claims 2, 5, 7-10, 12, 15, 17-20, and 37-44 depend, either directly or indirectly, from claims 1 or 11, Applicants respectfully assert that those claims are patentable as well. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-2, 5, 7-12, 15, 17-20, and 37-42 under 35 U.S.C. § 103(a), and the allowance of new claims 43 and 44.

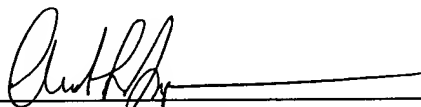
4. New claims 43 and 44 are drawn to a substantially planar continuous mesh, as readily apparent from FIGS. 7 and 8, where a mesh with a first side and a second side is shown placed in an injection mold.

CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of all grounds of rejection of claims 1-20 and 37-42, and allowance of claims 1-20 and 37-44 in due course. The Examiner is invited to contact Applicants' undersigned representative by telephone at the number listed below to discuss any outstanding issues.

Respectfully submitted,

Date: April 5, 2004
Reg. No. 51,842
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3027334_1

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 6,782,642 *B2*
DATED : August 31, 2004
INVENTOR(S) : Knoche et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page, in the Assignee data, "adidas International" should be deleted and replaced with --adidas International Marketing B.V.--.

On the cover page, in the Foreign Application Priority Data, "100 37 728" should be deleted and replaced with --100 37 728.9--.

On the cover page, in the Other Publications section, the word "ASIC®" should be deleted and replaced with the word --ASICS®--.

On the cover page, in the Other Publications section, the word "show" should be deleted and replaced with the word --shoe--.

In claim 2, at line 1, the word "seond" should be deleted and replaced with the word --second--.

MAILING ADDRESS OF SENDER: Patent Administrator PATENT NO.: 6,782,642
Testa, Hurwitz & Thibault, LLP
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26 JAN 2005

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